

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JEANINE A. SORTISIO,
STEVEN R. SORTISIO,

Plaintiffs,

v.

ORDER
09-CV-176

PETER ACCETTA, M.D., et al.,

Defendants.

This case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1). On April 15, 2009, plaintiffs filed a motion to remand. On June 22, 2009, Magistrate Judge Scott filed a Report and Recommendation, recommending that plaintiffs' motion to remand be granted.

Plaintiff filed objections to the Report and Recommendation on July 6, 2009. Oral argument on the objections was held on November 13, 2009.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, plaintiffs' motion to remand is granted. The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: December 7, 2009